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Attorneys for Plaintiffs-In-Intervention
CREWMEMBERS

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VALERIE SHIPPING, INC.,

Plaintiff,

vs.

KOREA LINE (SINGAPORE), PTE, LTD.

Defendants.

CASE NO.: CV 11-0911 JSW

**JOINT MOTION AND
~~PROPOSED~~ ORDER FOR
PAYMENT OF
CREWMEMBERS**

GLENN DELARRAZABAL, NELSON
CASTILLO, RAFFIE JUMAO-AS, PEDRO
VELORIA, JERRY DACLAN, WILLIAM
SORIANO, ANTHONY NAMORO,
ISAGANI VICTORIA, ROMEO BANAG,
ELMER SALVADOR, DONNIE
LEDESMA, EDWARD OGANA, ROBERT
DIAZ, CLIFFORD MERINGUEZ,
MICHAEL ROTO, VINEY BOLINAS,
DICK SAMIENTO, BILLY FAUSTINO,
DARRELL PARDILLO, SERGIO
CALUCIN AND ENGELBERTH
LAPLANA,

Plaintiffs-In-Intervention,

vs.

THOME SHIP MANAGEMENT PTE, LTD,
KOREA LINE (SINGAPORE) PTE, LTD,
and DOES 1-50, *in personam*, and MT BLUE
JADE, and her engines, tackle, apparel, etc.,
in rem,

Defendants.

THE CURRENT PARTIES TO THIS ACTION, BY AND THROUGH THEIR ATTORNEYS OF RECORD HEREIN, HEREBY JOINTLY MOVE AND REQUEST THAT THE COURT ISSUE THE FOLLOWING ORDER ON THE MOTION TO PAY CREWMEMBERS CURRENTLY BEFORE THE COURT AS FOLLOWS:

WHEREAS the Crewmembers and all other current parties agree to payment at this time of the following amounts to the crewmembers:

1. **Wages for March 2011** in the amount of **\$79,509.50** (See the total set forth on Exhibit "A" to the Declaration of Edward M. Bull III, less the pre-attachment wages, namely accumulated leave and prior month balance forward),
2. **Wages for April 2011** in the amount of **\$76,697.01** (See the total set forth on Exhibit "B" to the Declaration of Edward M. Bull III), and
3. **Wages for May 1-6, 2011** in the amount of **\$15,339.40** (See Exhibit "C" to the Declaration of Edward M. Bull III),

for a total immediate payment of **\$171,545.91**; and

WHEREAS the Crewmembers and all other current parties agree to payment of Wages for the services of the crew after May 6, 2011 on a monthly basis, and at the same contractual rates as utilized to calculate the March and April wages (at a pro-rata daily rate), up to and until the time of the actual repatriation of the individual crewmembers; and

WHEREAS the Crewmembers and all other current parties agree to payment of the actual cost of repatriation expenses at the time of repatriation (estimated at approximately \$1,000 per crewmember); and

WHEREAS the Crewmembers agree to reserve their remaining claims for pre-attachment and pre-arrest wages (including accumulated leave in the amount of \$16,422.13 and prior month balance forward in the amount of \$10,379.52 - see

Exhibit "A" to the Declaration of Edward M. Bull III); for severance pay (estimated at \$64,136.28 - See Exhibit "C" to the Declaration of Edward M. Bull III), for penalty wages, and for any other element of damages, to be resolved by agreement or adjudicated at a later date.

SO MOVED.

DATED: May 6, 2011

BRODSKY MICKLOW BULL & WEISS LLP

By: /S/ Edward M. Bull III
Edward M. Bull III
Kurt Micklow

Attorneys for Intervening Plaintiff
CREWMEMBERS

DATED: May 6, 2011

EMARD DANOFF PORT TAMULSKI &
PAETZOLD LLP

By: /S/ James J. Tamulski
James J. Tamulski

Attorneys for Substitute Custodian
NATIONAL MARITIME SERVICES, INC.

DATED: May 6, 2011

COX, WOOTTON, GRIFFIN, HANSEN &
POULOS, LLP

By: /S/ Max Lee Kelly
Gregory W. Poulos
Max Lee Kelly

Attorneys for Plaintiff
VALERIE SHIPPING, INC

DATED: May 6, 2011

KEESAL, YOUNG & LOGAN

By: /S/ James A. Marissen
James A. Marissen

Attorneys for Intervening Plaintiff
Nordea Bank Finland Plc

ULTRAGAS INTERNATIONAL, S.A., which has not become involved in vessel management issues to date, and does not plan to become so involved at this time, has no objection to the relief sought by the substitute custodian and the crew, and does not oppose the terms of the above motion or proposed order.

DATED: May 6, 2011

FLYNN, DELICH & WISE LLP

By: /S/ Conte C. Cicala
Conte C. Cicala

Attorneys for Intervening Plaintiff
ULTRAGAS INTERNATIONAL, S.A.

Having heard oral argument on the motion, Defendants having failed to appear and file an opposition, and

ORDER

Having considered the moving and opposition papers on the motion by National Maritime Services, Inc to pay the crew, and the above joint motion of the current parties to the action, and good cause appearing thereon, IT IS HEREBY ORDERED that:

1. Substitute Custodian NATIONAL MARITIME SERVICES, INC. Shall make payment at this time of the following amounts to the crewmembers: (a) **Wages for March 2011** in the amount of **\$79,509.50**, (b) **Wages for April 2011** in the amount of **\$76,697.01** and (c) Wages for May 1-6, 2011 in the amount of **\$15,339.40** (these payments shall be in the individual amounts set forth on Exhibits "A", "B" & "C" to the Declaration of Edward M. Bull III, for a total immediate payment of **\$171,545.91**);
2. Substitute Custodian NATIONAL MARITIME SERVICES, INC. Shall make payment of Wages for the services of the crew after May 6, 2011 on a monthly basis, and at the same contractual rates as utilized to

1 calculate the March and April wages (on a pro-rata daily rate), up to and
2 until the time of the actual repatriation of the individual crewmembers;

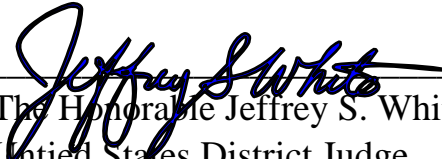
3 3. Substitute Custodian NATIONAL MARITIME SERVICES, INC. Shall
4 make payment the actual cost of repatriation expenses at the time of
5 repatriation; and

6 4. The above payments are deemed to be proper custodia legis expenses.

7 The substitute custodian shall meet and confer with counsel for the Crewmembers' as
8 to the manner such payments shall be made, and the Crewmembers' remaining claims
9 for pre-attachment and pre-arrest wages (including accumulated leave, prior month
10 balance forward and severance pay), for penalty wages, and for any other element of
11 damages, shall be reserved and resolved by agreement or adjudicated at a later date.
12

13 **IT IS SO ORDERED.**

14
15 DATED: May 6, 2011

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The Honorable Jeffrey S. White
United States District Judge